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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,764	04/13/2004	Wataru Sugiura	01-596	2814

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POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON, VA 20191

EXAMINER

NGUYEN, CUONG H

ART UNIT	PAPER NUMBER
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3661

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/822,764

Applicant(s)

SUGIURA, WATARU

Examiner

CUONG H. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/26/06 (the amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is the answer for an amendment filed on 10/26/2006. Claims 1-9 are pending wherein claims 2-3 are canceled.

Information Disclosure Statement

2. The IDS filed on 6/06/2006 is considered.

Response

3. Since the claims are not defined “a predetermined scoring condition”, the examiner considers a limitation of “a scoring condition” in prior art is proper. The applicant argues that Sporgis teaches away the invention; however, because this is claimed as an apparatus, what Sporgis teaches can be utilized as available knowledge to implement what the applicant claims.

The examiner withdraws previous ground of rejection for new ground of rejection due to claims are amended on 10/26/2006.

This invention now is directed to a computer game apparatus; however, the applicant does not provide sufficient written description (i.e., providing related computer codes) for one with ordinary skill in the art to practice this invention – we all know that computer games include software and hardware (or hardware and firmware) – these must go together in order to have an interactive game on screen.

Note that claim 1 uses “at least one of the following”; therefore, one of the following in prior art is enough: the claimed “a bearing” is interpreted as “a travel direction”; “a visual display of the physical location of the guide point on a displayed map” is “a screen for navigation”; or “information reflective of an optimal route between a current location of the game player and the guide point, the optimal route being calculated by the guiding means” is

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“displaying optimal routes”; these claimed limitations are very well-known for vehicle navigations.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Sporgis (US Pat. 6,320,495), in view of Petzold et al. (US 2003/0225508 A9), and in view of Hole (US Pat. 4,049,276).

A. As per independent claims 1, and 5-6: These claims are directed to a system with physical components. Sporgis teaches a navigational system (see Sporgis, Fig.1), comprising:

- GPS RECEIVER 11 for providing route guidance (e.g. a map with directions); however Fig. 1 of Sporgis does not clearly disclose of “a preset location” (simply a known location) as Petzold et al. did (see Petzold et al. paragraph [0025] and claim 6);
- an arrival determining means for determining an arrival at a guide point that is provided as the preset location in the route guidance by the guiding means (see Sporgis, Fig.2, block S5 “IS PLAYER AT FINAL DESTINATION?” – YES?/NO?).

Sporgis does not disclose about scoring and storing points in his competition/game.

However, Hole suggests a scoring means for scoring points based on the determination performed by the arrival and storing the score, (see Hole, col.1, lines 42-44, and claim 6) the examiner also submits that on every game/competition – there is a standard for calculating who

wins by scoring means (using a preset time limit, without this scoring feature, there is no knowledge of who would be a winner).

It would have been obvious to one of ordinary skill in the art at the time of invention to implement Sporgis, Petzold et al., and Hole, explicitly mention a preset location, and a scoring means for scoring points based on the determination performed by the arrival determining means and storing the score in the teaching of Sporgis for the advantage of knowing a location on a travel route, and a winner of the game as Sporgis suggested in col. 2, lines 22-31.

B. As for dependent claim 4: Sporgis suggests of showing a direction to turn (a bearing)/distance to a location – as disclosed by Petzold et al. about preset location (see Sporgis, Fig.1, GPS RECEIVER 11, and Fig.2 block S8 “BASED ON PLAYER LOCATION, AND OTHER VARIABLES, GAMEMASTER TRANSMITS ADDITIONAL CLUES TO PLAYERS” transmitting additional clues (see Petzold et al., Fig.10) including Petzold et al.’s navigation system for transmitting directions to suggest a travel direction including a turn/bearing – when a distance is achieved, and a current position is known via satellite, a digital clock from computer 12 would mark “an arrival”).

C. As for dependent claim 7: The examiner respectfully submits that it is a commonly understanding, and a well-known practice that in a game/competition: “a scoring means” scores points based on time per achieved distance (that has been a preset standard (see Hole, col.1, lines 42-44, and claim 6).

D. As for dependent claims 8-9: Sporgis suggests claim 8’s feature of a known location as Petzold’s “preset location” and “a line” from that location (see Sporgis’s Fig. 3, and col.3 lines 9-12), i.e., “The players’ GPS receivers (11) receive navigation data from GPS satellites (13) and

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determine player locations. Player locations are transmitted back to the game master by the players' wireless communication devices (14). The game master determines the next clue to be given to a particular player based upon the player's location as well as other variables, such as the number of clues the player has correctly answered and the position of the other players. That next clue is then transmitted to the player (15) and displayed on the player's wireless communication device."

In addition to Sporgis' suggestion, Petzold et al. show guidance by highlighting and marker on a vehicle electronic map (see Petzold et al., Figs.4-5, and paragraph [0025]).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Sporgis, Petzold et al., and Hole to suggest that a guiding means displays the preset locations and lines that connect the preset locations on a continual basis; and the guiding means indicates the line that connects the previous guide point and the current guide point differently from the other lines, as a hint of a navigation system to a player because these are clear guidance provided to all GPS equipped vehicle.

Conclusion

5. Claims 1, and 4-9 are not patentable. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicants are reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Note: Independent claim 1 recites: “a scoring means for scoring points based on the determination performed by the arrival determining means and storing the score.” – *there is no clear support for “a scoring means” that was claimed in the specification.*

*The applicant admits that “a navigation system” is not new at the time of invention; however, adding a scoring means to that system is an inventive concept. The examiner disagrees: scoring for records for awarding purposes have been well-known in many field (e.g., awarding truck drivers if they delivers packages on or before delivery time – this is what applicant claims because in order to make award, a scoring standard inherently included), because using a scoring means in (even in searching, or “predict weather in broadcasting”) has been old by using a clock to record an arrival time then easy to recognize a travel duration; therefore, it is obvious to add that feature for scoring achieved features such as in a navigation system (see the specification, ” [0004] The determination is not much different from that of an arrival at a way point or a destination performed during navigation. Namely, it has neither game value nor a guidance function to a point specified by a user. The known navigation systems have a function for setting a hotel or an amusement park as a destination (way point) and guiding a driver to the destination. However, they **lack of entertainment value and game value.**”) The motivation is merely a challenge data (by comparing to another reference for an achieved level).*

*Secondly, according to the spec. means-plus-functions (as in pending claims) are represented by a computer program (containing computer codes), however, this program is not disclosed knowing that this program is essential to practice this invention "[0039] When the rally game program is started, the program sets a score variable in the RAM and initializes the score variable by setting it to zero. The **program** also sets a next way point variable in the RAM and sets the way point variable to the furthest way point. Then, it executes a guidance routine shown in flowcharts of FIGS. 3 and 4. In this guidance routine, route guidance to the way point, which is a preset location, is displayed (S210). There are three patterns of the guidance display."*

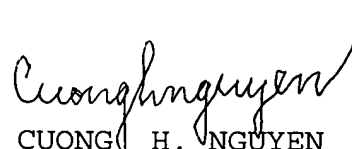
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759 (email address: cuong.nguyen@uspto.gov). The examiner can normally be reached on 9:30 am - 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Please provide support, with page and line numbers, for any amended or new claim in an effort to help advance prosecution; otherwise any new claim language that is introduced in an amended or new claim may be considered as new matter, especially if the Application is a Jumbo Application.


CUONG H. NGUYEN
Primary Examiner
Art Unit 3661